IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

-

WRIT PETITION NO : 19703 of 2004

Between:

P. Pochaiah S/o Venkataiah
Hanamkonda Depot, R/o hanamkonda, Warangal District

... PETITIONER

AND

1 A.P. State Road Transport Corporation, rep by Managing Director, Musheerabad, Hyderabad
2 The Depot Manager, APSRTC, Hanamkonda Depot, Hanamkonda, Warangal District

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records from the 2nd respondent and issue an appropriate Writ, order or Direction, particularly one in the nature of Writ of Mandamus, declaring that the order passed by the 2nd respondent in proceedings No. 03/197(11)/2004-HNK, dt.5-10-2004 as illegal, unjust contrary to law, without application of mind, victimization, unfair labour practice and violative of Article 14, 16 and 21 of the Constitution of India and grant all consequential benefits.

Counsel for the Petitioner: MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondent No.: SMT.P.RAJANI REDDY

The Court at the admission stage made the following:

-

Oral Order:

The petitioner who is a Driver in the respondents-Corporation approached this Court challenging the order dated 5-10-2004 of the second respondent keeping him under suspension pending enquiry.

The allegation against the petitioner is that while proceeding to a particular destination, the bus was stopped in the middle of the way on account of Rasta Roko, therefore, he returned back without covering the further distance of 110 Kilometers.

The petitioner contends that in order to avoid damage to the bus and on account of the stopping of the bus for a period of two hours and twenty minutes, he could not take the bus to the further destination, therefore, he returned back to the depot.

On the basis of the preliminary enquiry report, the disciplinary action was initiated against the petitioner and simultaneously he was kept under suspension through the impugned order.

In the light of the circumstances explained by the petitioner, this is not a fit case for keeping the petitioner under suspension. The impugned order dated 5-10-2004 is therefore, set aside with respect to the order of suspension of the petitioner. This order will not preclude the respondents-Corporation to proceed against the petitioner with the disciplinary enquiry and to pass appropriate orders, after following the procedure prescribed under the Regulations.

The writ petition is accordingly disposed of.

_____

(Dr.G. Yethirajulu, J)

27th October 2004

svs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Managing Director, A.P.S.R.T.C., Musheerabad, Hyderabad.
2. The Depot Manager, A.P.S.R.T.C., Hanamkonda Depot, Warangal District.
3. Two C.D. copies.
4. One C.C. to Mr.A.K.Jayaprakash Rao, Advocate (OPUC)

*Form-NIC-OGS/WP{**TRT**}*